IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1231 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09-07-1999 in W P NO :13883 of 1999 on the file of the High Court.)

Between:

1. APSRTC, rep.by its Depot Manager,

   Visakhapatnam Depot., Visakhapatnam District.

2. APSRTC, rep. by its Divisional Manager,

   Visakhapatnam (Rural), Visakhapatnam.

..... APPELLANTS

AND

1. The Industrial Tribunal-cum-Labour Court, Visakhapatnam,

   Rep. by its Presiding Officer.

2. T. Sree Rama Reddy, S/o. Atchi Reddy, MIG-153, A.P. Housing Board

   Colony, Visakhapatnam – 530 022

.....RESPONDENTS

Counsel for the Appellants: KUM.B.G.UMA DEVI

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 : MR K SOMESWARA KUMAR

The Court made the following :

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JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

The appellants, call in question, the legality of the judgment rendered by a learned single Judge of this Court dated 09-07-1999 in W.P.No.13883 of 1999.

The facts necessary to resolve the controversy between the parties as set out in the writ petition are that;

The 2nd respondent joined in the appellants-Corporation as a driver on 17.11.1986. In 1987, his services were regularized. Due to his health problem, he underwent medical treatment and applied sick leave from time to time. During the said period, he claimed settlement of over time and other dues. But the Corporation did not pay him the dues. Hence, he filed a petition under Section 33 (c) (2) of the Industrial Disputes Act claiming the dues. Subsequently, he received removal order on 18.07.1994 on certain charges. Furthermore, he received the charge sheet at the time of enquiry itself on 8.2.1994. There was neither misconduct nor disobedience on his part as alleged by the Corporation. Feeling aggrieved, he filed I.D.No.331 of 1995 before the 1st respondent.

The 1st respondent passed the Award by directing the appellants-Corporation to reinstate the workman with full back wages and continuity of service and also directed to pay an amount of Rs.500/- towards costs. Challenging the same, the appellants-Corporation preferred the writ petition.

Having gone through the entire material placed before him and the Award passed by the Tribunal, the learned single Judge while observing that in the Writ jurisdiction this Court is not expected to act as a court of appeal over the judgment of

Tribunal and no illegality has been pointed out in the Award, dismissed the writ petition.

Heard the learned counsel on either side.

We have perused the order impugned and other material on record. From the above, it has to be observed that when the workman had fallen sick, he submitted a sick certificate through registered post on 17.04.1993, which was received by the appellants Corporation after 48 hours. Though, it was mandate under their rules that the sick certificate must reach within 48 hours, their contention cannot be appreciated as the 1st respondent had taken care to sent the sick certificate within the time to the Corporation. Further, it has to be observed that the 2nd respondent had given the charge sheet when the enquiry was started and the workman was not given sufficient time to defend his case.

For the foregoing reasons, there is no illegality or irregularity in the impugned order and the finding of the learned single Judge is perfectly justified and it needs no interference by this Court.

The appeal fails and is dismissed accordingly. However, the costs of Rs.500/- imposed by the Tribunal is set aside.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

07.07.2005

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To

1. The Depot Manager, Visakhapatnam Depot.,

APSRTC, Visakhapatnam District.

2. The Divisional Manager, Visakhapatnam (Rural),

APSRTC, Visakhapatnam.

3. The Presiding Officer, The Industrial Tribunal-cum-Labour Court, Visakhapatnam.

4. Two CCs to GP for Labour, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.

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THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 1231 of 1999

(Judgment of the Division Bench delivered by

Hon'ble Smt Justice T Meena Kumari)

7th JULY 2005